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7 Attorneys for Third-Party Defendants,
1195 E. DESERT INN ROAD LLC and
8 MS PARTNERSHIP

9
10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 STATE OF NEVADA, DEPARTMENT OF
CONSERVATION AND NATURAL
13 RESOURCES, DIVISION OF
ENVIRONMENTAL PROTECTION,
14 BUREAU OF CORRECTIVE ACTIONS,

15 Plaintiffs,

16 vs.

17 MARYLAND SQUARE SHOPPING
CENTER LLC, a Nevada limited liability
18 company and IRWIN KISHNER; JERRY
ENGEL and BANK OF AMERICA N.A. as
19 co-trustees of the HERMAN KISHNER
TRUST; MARYLAND SQUARE, LLC, a
20 Nevada limited liability company, MELVIN
SHAPIRO and PHILIP SHAPIRO individually
21 and doing business individually and/or as a
general partner of "AL PHILLIPS THE
22 CLEANER: or "AL PHILLIPS THE
CLEANER, INC.," estate of PHILIP
23 SHAPIRO, deceased, SHAPIRO BROS
INVESTMENT CORPORATION, a dissolved
24 Nevada corporation, AL PHILLIPS THE
CLEANERS, INC., a dissolved corporation
25 (Corporation no. 745-1965), AL PHILLIPS
THE CLEANERS, INC., a dissolved
26 corporation (Corporation no. 11-71),,

27 Defendants.
28

Case No.: 3:09-cv-00231-RCJ-VPC

~~PROPOSED~~ ORDER TO
WITHDRAW NOTICE OF
APPEARANCE (DOC. NO. 83) AND
ANSWER TO THIRD-PARTY
COMPLAINT (DOC. NO. 84)
MISTAKENLY FILED ON BEHALF
OF THIRD-PARTY DEFENDANTS,
1195 E. DESERT INN ROAD LLC
AND MS PARTNERSHIP

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MARYLAND SQUARE SHOPPING CENTER, LLC, THE HERMAN KISHNER TRUST DBA MARYLAND SQUARE SHOPPING CENTER; IRWIN KISHNER; JERRY ENGEL; BANK OF AMERICA, as Trustees for the HERMAN KISHNER TRUST; MARYLAND SQUARE, LLC; and the CLARK COUNTY SCHOOL DISTRICT

Third Party Plaintiffs

vs.

MELVIN SHAPIRO and PHILIP SHAPIRO, individually and doing business individually and/or as general partner of "AL PHILLIPS THE CLEANER" or "AL PHILLIPS THE CLEANER, INC.," estate of PHILIP SHAPIRO, deceased, SHAPIRO BROS, INVESTMENT CORPORATION, a dissolved Nevada corporation; GENERAL GROWTH MANAGEMENT, INC., a foreign corporation; BOULEVARD MALL, LLC, a foreign limited liability company; SEARS ROEBUCK & CO., a foreign corporation; GOODYEAR TIRE & RUBBER CO., a foreign corporation; WIENS PROPERTIES, LLC, a Nevada Limited Liability Company; TERRIBLE HERBST, INC., a Nevada corporation; SUPERIOR TIRE, INC., a dissolved Nevada corporation; DR. CLEAN MANAGEMENT, INC., a revoked Nevada corporation; HAR TEO CHYE, an individual; CONSTRUCTION WHOLESALERS, INC., an unknown business entity; MS PARTNERSHIP, a partnership; 1195 E DESERT INN ROAD, LLC, a Nevada Limited Liability Company, DAQUIGAN WAYNE, an individual; THE HOYT CORPORATION, a Maryland corporation; and GOSS-JEWETT & CO., a suspended California corporation.

Third Party Defendants.

On November 1, 2010, a *Notice of Appearance on Behalf of Third-Party Defendant, 1195 E. Desert Inn Road, LLC* was filed with this Court as Docket No. 83. An *Answer to Third-Party Complaint (Doc. No. 22)* by Third-Party Defendants *MS Partnership and 1195 E. Desert Inn Road LLC* was filed with this Court on November 4, 2010 as Docket No. 84.

1 The foregoing documents were filed in error. Counsel had been unaware of the Court's
2 Minute Order (Doc. No. 77) requiring that any documents be filed in the base file for the
3 consolidated action, 2:08-cv-01618-RCJ-GWF.

4 At the request of filing Counsel and pursuant to the aforementioned prior order of the
5 Court, the foregoing documents (Doc. Nos. 83 and 84) are hereby deemed withdrawn. Robert J.
6 Caldwell, Esq., E. Daniel Kidd, Esq. and the law firm of Kolesar & Leatham, Chtd., are hereby
7 deemed to have withdrawn from this case.

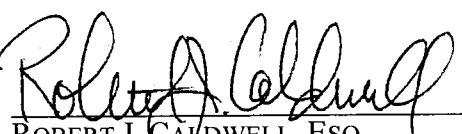
8 The Clerk of the Court is hereby directed to discontinue notice in these proceedings by
9 removing the above counsel from the CM/ECF Service List and mailing matrix.

10 DATED: May 11, 2011

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12 
13 GEORGE FOLEY, JR.
14 United States Magistrate Judge

14 Respectfully submitted by:

15 **KOLESAR & LEATHAM, CHTD.**

16 
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